

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

DECEMBER 9, 2008

Eminent Domain is a power vested in public agencies for the seizure of land for the “greater good” of the community at large, such as the building of a freeway, public utility or railroad. However, abuse of this power arises when a public agency seizes land from a private party for a specific public use and, decades later, has yet to make any progress toward utilizing the land for the intended purpose.

In the 1960s, the Los Angeles City Airport Commission acquired Ontario Airport, the 17,000-acre Palmdale airport site, and later contracted with the United States Air Force for Palmdale’s Plant 42’s runway and air terminal, for a regional airport network to meet future population needs. Many properties intended for the Palmdale Regional Airport were acquired through condemnation or the threat of condemnation.

To date, the City’s Los Angeles World Airports Department (“LAWA”) has failed to develop an airport on this property. Many of the individuals whose property was condemned continue to question whether it was appropriate for the City of Los Angeles to condemn their property, only to let it sit vacant for nearly four decades. Many further question why LAWA continues to own the property, given no apparent plans to develop an airport at any time in the foreseeable future.

Palmdale Regional Airport will serve the millions of people and businesses in the Antelope, Santa Clarita, and San Fernando Valleys, as well as neighboring Ventura, Kern and San Bernardino Counties.

- M O R E -

MOTION

MOLINA _____

RIDLEY-THOMAS _____

YAROSLAVSKY _____

ANTONOVICH _____

KNABE _____

In the wake of the United States Supreme Court's 2005 decision in Kelo v. City of New London, many states, including California, enacted legislation intended to curb eminent domain abuse. However, it is unclear whether the legislation provides adequate protections to individuals whose property has been condemned and has never been utilized for the intended public purpose.

I, THEREFORE, MOVE that the Chief Executive Office, in consultation with the County Counsel's Office, be directed to review existing State laws and provide a report to this Board, within 30 days, regarding the following:

1. Identify what provisions exist in State law that limit a public entity's ability to condemn property and hold it indefinitely, without implementing the public use for which the property was condemned; and
2. Recommend legislation is appropriate that would require that property acquired through eminent domain be developed in a fixed time frame or be returned to the original property owners.

#

MDA:pno
eminentdomain120908